

Application of: JOHNSON, Timothy A. et al.

Serial No.: 10/629,855

Filed: July 30, 2003

Reply to Office Action of February 2, 2009

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested.

Claims 1-12 are currently pending in the application, and claim 1 has been amended. In the outstanding Office Action, claims 1-6 were rejected under 35 U.S.C. § 101, as not falling within one of the four statutory categories of invention, and claims 1-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Ohtani et al.* (U.S. Patent No. 6,470,050.) Claims 1-2 and 4-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Koga et al.* (U.S. Patent No. 6,661,838.) Applicants respectfully traverse the rejections to the claims.

Applicants respectfully submit that *Ohtani et al.* does not teach or suggest “whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two” nor “if the test of . . . step b.ii. is true, then communication information indentifying the pixel values within the block,” as recited, for example, in claim 1. *Ohtani et al.* does not teach or suggest testing whether a second threshold number of pixels changed in pixel value by a third noise threshold. Consequently, *Ohtani et al.* does not teach or suggest communicating information if the previously mentioned test is true, and similarly, *Ohtani et al.* does not teach, as admitted by the Examiner, or suggest the second threshold being at least two.

The Examiner cites the accumulation unit 72 of *Ohtani et al.* with respect to “whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two.” However, the accumulation unit 72 merely calculates the frequency of the number of change points in a block.

The accumulation unit 72 calculates the frequency as the number of change points in one block which is composed of a prescribed number of pixels, and outputs the result to a frequency storage unit 73 as well as supplies the result to a motion estimation unit 74. (Col. 13, ll. 15-19).

This makes no mention of a test, does not teach or suggest testing whether a second threshold number of pixels changed by at least a third noise threshold, and does not teach or

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suggest the second threshold being at least two. Furthermore, as a result, *Ohtani et al.* also does not teach or suggest communicating information based on this test.

The Examiner also cites Figure 9(b) with respect to this limitation, without describing how it applies to the claim limitation. (Office Action, p. 3). However, Figure 9(b) merely shows a frequency distribution of change points.

FIG. 9(b) shows frequency distribution of the change points in each block, assuming that one block is composed of four pixels in FIG. 9(a). (Col. 12, ll. 55-57).

This also does not disclose a test and does not teach or suggest testing whether a second threshold number of pixels changed by at least a third noise threshold. Further, it does not teach or suggest the second threshold being at least two.

Applicants note that the Examiner's citation with respect to this limitation ends with the word "and" but no further citation is listed, i.e., "72 of fig. 10, fig. 9(b), and" (Office Action, p. 3). Also, with respect to claim 7 (and therefore also claim 1), for example, only blocks in Figures are cited, but the blocks of the Figures do not describe how the reference patent is being applied to every limitation of the claim by the Examiner. Applicants submit that the claims are in condition for allowance, but if this or any other rejection is to be maintained, Applicants respectfully request that the Examiner cite specific portions of each cited reference with respect to specific claim limitations for clarity, pursuant to 37 C.F.R. 1.104(c)(2) and M.P.E.P. 707.07(i), for example, by citing specific lines of the specification text and describing how it applies to the claims in the Examiner's view.

Applicants also respectfully submit that *Koga et al.* does not teach or suggest "whether a change in a pixel value determined in step (a) for any one of the pixels in the current block exceeds a first override threshold" and "whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two." Consequently, it does not teach or suggest "if the test of either step b.i. or step b.ii. is true, then communication information indentifying the pixel values within the block," as recited, for example, in claim 1.

Koga et al. does not teach or suggest testing whether any one pixel exceeds a first override threshold, and whether a second threshold number of pixels exceeds a third noise

threshold. On the contrary, the cited portion of *Koga et al.* describes a problem being solved in the present application. (See, for example, paragraphs 26-27 of the present application.) The present application states, for example, “the block is compared to determine whether enough pixels changed, and if not, each pixel in the block 25 is evaluated to determine whether any one pixel changed *enough* to merit transmission of the block.” (Paragraph 27; underlined emphasis added.) *Koga et al.* does not perform both of these tests. More specifically, *Koga et al.* does not disclose both a “first override threshold” and “a third noise threshold.”

The Examiner cites step S203 of Figure 7 of *Koga et al.* with respect to “whether a change in a pixel value determined in step (a) for any one of the pixels in the current block exceeds a first override threshold.”

In step S203, it is checked whether the pixel value difference calculated in step S202 is larger than a predetermined value (first threshold value). If YES in step S202, it is determined that a subject pixel has undergone a change, and the flow advances to step S204 to increase the number of change pixels by one. If NO in step S202, it is determined that the subject pixel has undergone no change, and the flow jumps to step S206. (Col. 8, ll. 11-16).

Although the Examiner does not cite specific text, it appears the Examiner may be reading the “first threshold value” as the “first override threshold” of the claim. However, the Examiner cites S204 and S205 of Figure 7 of *Koga et al.* with respect to “whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two.”

In step S205 after step S204, it is checked whether the number of change pixels calculated in step S204 is larger than a predetermined value (second threshold value). If YES in step S205, it is determined hat an image change has occurred, and the processing in FIG. 7 is terminated. If NO in step S205, the flow advances to step S206. (Col. 8, ll. 22-27).

Again, since no specific text is cited in the Office Action, it is unclear how the Examiner is reading the *Koga et al.* patent with respect to the claim. However, it appears that “second threshold value” is being applied to the “second threshold number of pixels.” If this was the case, *Koga et al.* does not teach or suggest “a third noise threshold,” at least because three thresholds are not disclosed.

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However, the Examiner's citation is incorrect because *Koga et al.* does not teach or suggest a "first override threshold," whereas it does not perform one of the two tests disclosed, i.e., to determine whether any one pixel changed *enough* to merit transmission of the block. As mentioned previously, *Koga et al.* does not disclose both a "first override threshold" and "a third noise threshold."

Claim 1 and 7 are thus patentable over the cited references. Claims 2-6 and 8-12 depend from claims 1 and 7 respectively and are thus patentable for at least the same reasons. Consequently, in view of the present remarks, the currently pending claims are believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

CHARGE STATEMENT: Deposit Account No. 501860, order no. 2540-0664.

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This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

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